THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NOs.10657, 10658, 10659, 10660, 10661, 10662, 4702, 4899, 4924 and 7297 of 2006

31st May 2006

1. W.P.NO.10657 OF 2006

Between:

M/s.Coromandel Fertilisers Limited, 'Coromandel House' 1-2-10, Sardar Patel Road, Secunderabad – 500 003, rep.by its Dy.Manager Dr.A.Kupuswamy.

...PETITIONER

AND

The Commissioner & Director of Agriculture, Andhra Pradesh, Gunfoundry, Hyderabad.

...RESPONDENT

And batch.

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NOs.10657, 10658, 10659, 10660, 10661, 10662, 4702, 4899, 4924 and 7297 of 2006

COMMON ORDER:

Petitioners, who are manufacturers/dealers, are the licensees under the Insecticides Act, 1968 (for short "the Act"). They distribute their
bio-products through dealers and accordingly, they obtained permission from the licensing authority to sell the bio-products from the licensed premises. While so, the Commissioner and Director of Agriculture intimated the petitioners that as the bio-products are not covered either under Insecticides Act, 1968 or Fertilizer Control (Order) Act, 1985, the units to which marketing permissions of bio-products were granted earlier will be permitted to liquidate existing stocks within a period of 45 days i.e. before 10.03.2006 and no sales of bio-products will be permitted from the licensed premises of seeds, fertilizers and pesticides after 10.03.2006. In view of the same, present writ petitions are filed stating that respondents cannot interfere with the manufacture and sale of their bio-products and the same is without jurisdiction.

It is not necessary to go into the various allegations made in the writ petitions, since it is categorically asserted that the products are not covered under Insecticides Act,

1968 and Fertilizer Control (Order) Act, 1985 which were being sold to the farmers from the licensed premises of dealers of pesticides/fertilizers/seeds without obtaining any marketing permission from the Department of Agriculture up to 20.10.1998. On 20.10.1998, a decision was taken that marketting permission for the sale of bio-products has to be obtained from the Commissioner & Director of Agriculture. Subsequently, a High Level Technical Committee was constituted to scrutinize the proposals received for according marketting permissions to the bio-products. The High Level Technical Committee fixed the parameters to evaluate the bio-products before according marketting permission. To safeguard the interests of farming community and providing quality products to the farmers, the department has prohibited sale from the premises for which licence was granted.

During the course of arguments, learned Government Pleader for Agriculture & Marketting fairly admitted that there is no prohibition for storage and sale of bio-products, unless they are contraband and misbranded and no licence is required under the Act, either for manufacture or sale of bio-products.

In view of the fact that no licence is required under the Act for manufacture and sale of bio-products as long as they do not contain any ingredients of insecticide as mentioned in the schedule, i.e. Antagonistic Fungi and Bacteria, respondents cannot interfere with the store, sale and distribution of bio-products belonging to the petitioners.

It is needless to say that, if the bio-products contain any chemical or insecticides which endangers the environment, it is always open for the concerned authorities to take appropriate action against the
petitioners-manufacturers and the dealers of the said bio-products, and by the Executive Magistrate in exercise of powers under Section133 Cr.P.C.

The Writ Petitions are accordingly disposed of. No costs.

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(L.NARASIMHA REDDY, J)

31st May 2006

RRB

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